UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,756	09/29/2000	Andrew J. Kuzma	042390.P9327	2826

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EXAMINER
EDELMAN, BRADLEY E

ART UNIT	PAPER NUMBER
2153	2

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/675,756	KUZMA, ANDREW J.
	Examiner	Art Unit
	Bradley Edelman	2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _29 September 2000_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-80_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-80_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _29 September 2000_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)		4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .	
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) ☐ Notice of Informal Patent Application (PTO-152)	
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .		6) ☐ Other: .	

DETAILED ACTION

This is a first Office action on the merits of this application. Claims 1-80 are

presented for examination.

Specification

1.   The disclosure is objected to because of the following informalities: the

specification contains numerous grammatical errors that must be corrected. See p. 1,

lines 6, 11, 12-14; p. 4, line 19; p. 6, line 2; p. 7, line 3; p. 9, lines 3, 14, 15; p. 10, line 4;

and p. 11, lines 20, 21.

Appropriate correction is required.

Claims 1, 2, 21, 22, 41, and 61 objected to because of the following informalities:

they all use the terminology of receiving "an information." This is grammatically

incorrect. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1, 9-11, 18-21, 29-31, 38-41, 49-51, 58-61, 69-71, and 78-80 are rejected

under 35 U.S.C. 102(b) as being anticipated by Wallis (U.S. Patent No. 5,740,371).

In considering claim 1, Wallis discloses a method comprising:

Receiving information ("list of available hosts"), selecting a server based on the

received information ("select one of the available servers to connect to"), and

transmitting a content from the selected server to a viewer via a network (col. 7, lines

20-36; col. 8, lines 35-50; col. 1, lines 21-25; col. 6, lines 47-58, wherein transmitting the

content is inherent once the server has set up a connection with the client to process

information).

In considering claim 9, Wallis further discloses that the information comprises

information on a plurality of addresses (col. 7, lines 14-16, "providing the chooser 16

with the earlier-resolved addresses for the servers in the hotlist").

In considering claim 10, Wallis further discloses that the plurality of addresses

correspond to a plurality of servers (as discussed above).

In considering claim 11, Wallis further discloses updating the information (col. 7,

lines 20-21, "chooser updates a list of available hosts").

In considering claim 18, Wallis further discloses that the network is a LAN or

WAN (col. 1, lines 23-26; col. 5, lines 28-30, "LAN").

In considering claim 19, Wallis further discloses that the network is a network indicating a type of a connection (col. 6, lines 23-28, "connection mode").

In considering claim 20, Wallis further discloses that the type is an Ethernet connection ("Ethernet," col. 5, lines 27-30).

Claims 21, 29-31, and 38-40 describe a computer program product for performing the same steps as described in respective claims 1, 9-11, and 18-20, and are thus rejected for the same reasons.

Claims 41, 49-51, and 58-60 describe an apparatus for performing the same steps as described in respective claims 1, 9-11, and 18-20, and are thus rejected for the same reasons.

Claims 61, 69-71, and 78-80 describe a system for performing the same steps as described in respective claims 1, 9-11, and 18-20, and are thus rejected for the same reasons.

3.   Claims 1-4, 7, 9-16, 18-20, 21-24, 27, 29-36, 38-40, 41-44, 47, 49-56, 58-60, 61-64, 67, 69-76, and 78-80 are rejected under 35 U.S.C. 102(b) as being anticipated by Montulli (U.S. Patent No. 5,826,242).

In considering claim 1, Montulli discloses a method comprising:

Receiving information ("URL" in a "cookie"), selecting a server based on the received information ("access a Web server that is specified in the received cookie"), and transmitting a content from the selected server to a viewer via a network ("sending the requested HTTP object to the client"; col. 7, lines 20-49; col. 6, lines 5-7).

In considering claim 2, Montulli further discloses that receiving the information comprises registering the information to a service ("for-fee on-line services that can send back registration information," col. 7, lines 55-57).

In considering claim 3, Montulli further discloses that the information comprises an address ("URL," col. 7, lines 23-25).

In considering claim 4, Montulli further discloses that the information further comprises a unique identifier (col. 7, lines 55-57, "user-id").

In considering claim 7, Montulli further discloses that receiving the information includes gathering one of a local information and a viewer location (col. 13, lines 21-25, "shipping information").

In considering claim 9, Montulli further discloses that the information comprises information on a plurality of addresses ("range of URLs," col. 7, lines 23-25).

In considering claim 10, Montulli further discloses that the plurality of addresses correspond to a plurality of servers (as discussed above).

In considering claim 11, Montulli further discloses updating the information ("overwriting" the cookie, col. 9, lines 37-40).

In considering claim 12, Montulli further discloses that the information is geographic information of the user ("shipping (address) information"; col. 13, lines 21-25).

In considering claim 13, Montulli further discloses storing a server location at a viewer location (server URL is stored in the cookie, which is stored at the client; col. 7, lines 20-25).

In considering claim 14, Montulli further discloses storing the information in a text file ("cookie") the information being given to a browser by the server (col. 7, lines 20-25).

In considering claim 15, Montulli further discloses sending the text file to the server when a page is requested from the server (col. 7, lines 25-28).

In considering claim 16, Montulli further discloses that the text file is a cookie identifying the viewer ("cookie" with a "user-id"; col. 7, lines 23, 55-57).

In considering claim 18, Montulli further discloses that the network is a LAN or WAN ("Internet").

In considering claim 19, Montulli further discloses that the network is a network indicating a type of a connection ("Ethernet connection"; col. 12, line 15).

In considering claim 20, Montulli further discloses that the type is an Ethernet connection ("Ethernet," col. 12, line 15).

Claims 21-24, 27, 29-36, and 38-40 describe a computer program product for performing the same steps as described in respective claims 1-4, 7, 9-16, and 18-20, and are thus rejected for the same reasons.

Claims 41-44, 47, 49-56, and 58-60 describe an apparatus for performing the same steps as described in respective claims 1-4, 7, 9-16, and 18-20, and are thus rejected for the same reasons.

Claims 61-64, 67, 69-76, and 78-80 describe a system for performing the same

steps as described in respective claims 1-4, 7, 9-16, and 18-20, and are thus rejected

for the same reasons.

4.   Claims 1-7, 9-11, 13-16, 18-19, 21-27, 29-31, 33-36, 38-39, 41-47, 49-51, 53-56,

58-59, 61-67, 69-71, 73-76, and 78-79 are rejected under 35 U.S.C. 102(e) as being

anticipated by Masters (U.S. Patent No. 6,374,300).

In considering claim 1, Masters discloses a method comprising:

Receiving information ("cookie"), selecting a server based on the received

information ("controller 118 will automatically direct the HTTP request to the destination

(node server) identified by the information in the Cookie"), and transmitting a content

from the selected server to a viewer via a network ("selected node server generates an

HTTP response"; col. 7, lines 17-38; col. 8, lines 11-28).

In considering claim 2, Masters further discloses that receiving the information

comprises registering the information to a service ("use a Cookie to send back

registration information"; col. 5, lines 49-53).

In considering claim 3, Masters further discloses that the information comprises

an address ("URL," col. 5, line 41).

In considering claim 4, Masters further discloses that the information further comprises a unique identifier ("user identification number"; col. 5, lines 49-53; "ip address"; col. 8, lines 1-4).

In considering claim 5, Masters further discloses that the information further comprises a number provided by the service ("user identification number"; col. 5, lines 50-52; see also col. 13, lines 25-45; Fig. 7).

In considering claim 6, Masters further discloses receiving a registration number from the service, the registration number being provided by the viewer when requesting content ("user identification number"; col. 5, lines 50-52).

In considering claim 7, Masters further discloses that receiving the information includes gathering one of a local information and a viewer location (col. 7, lines 18-25, wherein the response with a cookie is from a local ISP, and therefore includes local information).

In considering claim 9, Masters further discloses that the information comprises information on a plurality of addresses ("range of URLs," col. 5, lines 40-41).

In considering claim 10, Masters further discloses that the plurality of addresses correspond to a plurality of servers (as discussed above).

In considering claim 11, Masters further discloses updating the information ("rewriting" the cookie; col. 11, lines 41-44).

In considering claim 13, Masters further discloses storing a server location at a viewer location (server URL is stored in the cookie, which is stored at the client; col. 5, lines 38-45).

In considering claim 14, Masters further discloses storing the information in a text file ("cookie") the information being given to a browser by the server (col. 7, line 63 – col. 8, line 8, wherein the cookie is inherently given to the browser in the HTTP response).

In considering claim 15, Masters further discloses sending the text file to the server when a page is requested from the server (col. 8, lines 16-19).

In considering claim 16, Masters further discloses that the text file is a cookie identifying the viewer ("cookie" with a "user identification number"; col. 5, lines 49-53).

In considering claim 18, Masters further discloses that the network is a LAN or WAN ("Internet").

In considering claim 19, Masters further discloses that the network is a network indicating a type of a connection ("TCP/IP"; col. 7, lines 5-6).

Claims 21-27, 29-31, 33-36, and 38-39 describe a computer program product for performing the same steps as described in respective claims 1-7, 9-11, 13-16, and 18-19, and are thus rejected for the same reasons.

Claims 41-47, 49-51, 53-56, and 58-59 describe an apparatus for performing the same steps as described in respective claims 1-7, 9-11, 13-16, and 18-19, and are thus rejected for the same reasons.

Claims 61-67, 69-71, 73-76, and 78-79 describe a system for performing the same steps as described in respective claims 1-7, 9-11, 13-16, and 18-19, and are thus rejected for the same reasons.

5.   Claims 1, 7, 8, 12, 21, 27, 28, 32, 41, 47, 48, 52, 61, 67, 68, and 72 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaddeche et al. (U.S. Patent Application Publication No. 2003/0036949, hereinafter "Kaddeche").

In considering claim 1, Kaddeche discloses a method comprising:

Receiving information ("banner ad"; ¶ 0048), selecting a server based on the received information (a user clicks on a directions button or coupon button on the banner ad to access a server, wherein such server selection is inherent upon clicking on

the banner ad; ¶ 0051), and transmitting a content from the selected server to a viewer

via a network (either directions or a coupon will be sent from the server).

In considering claim 7, Kaddeche further discloses that receiving the information

comprises gathering one of a local information and a viewer location (¶ 0026, wherein

the banner ad is selected according to a user's address information).

In considering claim 8, Kaddeche further discloses confirming the viewer location

(¶ 0051, wherein sending the user directions to the locally selected advertiser confirms

the viewer location).

In considering claim 12, Kaddeche further discloses that the information is a

geographical location of the viewer (¶ 42, 47, 48, wherein the banner ad includes

geographical information based on the user's geographical location).

Claims 21, 27, 28, and 32 describe a computer program product for performing

the same steps as described in respective claims 1, 7, 8, and 12 and are thus rejected

for the same reasons.

Claims 41, 47, 48, and 52 describe an apparatus for performing the same steps

as described in respective claims 1, 7, 8, and 12 and are thus rejected for the same

reasons.

Claims 61, 67, 68, and 72 describe a system for performing the same steps as

described in respective claims 1, 7, 8, and 12 and are thus rejected for the same

reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 17, 37, 57, and 77 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Masters.

In considering claims 17, 37, 57, and 77, the claims state, "the content comprises

multimedia information." Within the detailed description of the Masters patent, the

disclosure remains silent regarding the type of HTTP data that is sent to the client from

the selected node servers. Nonetheless, the distribution of multimedia information over

the Internet is well known, as evidenced by Masters, as Masters suggests that the load

balancing features of the invention can be used for multimedia content (col. 1, lines 14-

17, "Generally, it has proven difficult to reliably and efficiently load balance the demand

for access to resources, e.g., a web-based application, email and streamed multimedia

date, on a wide area network"). Given this knowledge, a person having ordinary skill in

the art would have readily recognized the desirability and advantages of using the

server selection system taught by Masters for distributed multimedia information, to better distribute requests throughout the Internet, thereby creating a more reliable and efficient system. Therefore, it would have been obvious for the HTTP responses taught by Masters to include multimedia information.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Edelman whose telephone number is (703) 306-3041. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

For all correspondences: (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

BE
December 24, 2003